

BOARD OF PSYCHOLOGY

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BOARD MEETING MINUTES

Holiday Inn San Diego Bayside
4875 North Harbor Drive, Pt. Loma Room
San Diego, CA 92106

Thursday, October 18, 2012

The open session meeting was called to order by Michael Erickson, Board President at 9:05 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Michael Erickson, Ph.D., Board President
Barbara Cadow, Ph.D., Board Vice-President
Lucille Acquaye-Baddoo
Johanna Arias-Bhatia
Miguel Gallardo, Psy.D.
Andrew Harlem, Ph.D.
Nicole J. Jones
John Preston, Psy.D.

Others Present:

Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Gina Bayless, Enforcement Coordinator
Linda Kassiss, Administrative Services Coordinator
Lavinia Snyder, Licensing/Registration Coordinator
Denise Russell, Special Investigator

Agenda Item #1 – Introduction and Administration of Oath of Office to New Board Members

Mr. Kahane administered the oath of office to Dr. Harlem, Dr. Preston, Ms. Jones and Ms. Arias-Bhatia.

Agenda Item #2 – Approval of February 23-24, 2012 and June 21-22, 2012 Minutes

It was M(Cadow)/S(Gallardo)/C to approve the February 23-24, 2012 minutes as amended with minor typographical changes.

Vote: 7 – 0

It was M(Cadow)/S(Jones)/C to approve the June 21-22, 2012 minutes.

Vote 7 – 0

Agenda Item #3 – President's Report

a) 2013 Board Meeting Calendar

Dr. Erickson discussed the proposed 2013 Board Meeting Calendar. He stated that it appears that having three meetings annually as opposed to four has worked well this year. He stated that the three-meeting calendar is beneficial to staff workload and that there have been no delays in enforcement cases which provides appropriate consumer protection. Mr. Kahane stated that this format provides enough time between Board meetings to conduct individual committee meetings if the Chairperson of the committee deems it necessary. Dr. Cadow requested that the issue be reevaluated at some point in the future.

Dr. Linder-Crow, Chief Executive Officer of the California Psychological Association (CPA), indicated that CPA will be conducting a meeting on October 25-26, 2013, which will have a one-day overlap with the October Board meeting.

b) Committee Assignments

Dr. Erickson reported that he has discussed the interests of the four new Board members and has tried to accommodate their interests in making committee assignments. He stated that the assignments are not cast in stone and that he can entertain requests for adjustments at a later date.

Dr. Erickson announced the following committee assignments:

Credentials Committee: Dr. Gallardo (Chair), Dr. Harlem and Dr. Preston

Examination Committee: Dr. Cadow (Chair), Dr. Preston and Dr. Harlem

Enforcement Committee: Ms. Acquaye-Baddoo (Chair), Ms. Arias-Bhatia

Legislation Committee: Ms. Jones (Chair), Dr. Preston and Ms. Arias-Bhatia

Continuing Education Committee: Dr. Gallardo (Chair), Dr. Cadow and Ms. Arias-Bhatia

Outreach Committee: Dr. Gallardo (Chair), Ms. Acquaye-Baddoo and Ms. Jones

Contemporary & Emerging Issues Committee: Dr. Cadow (Chair), Dr. Harlem and Ms. Jones

c) Discuss Upcoming Executive Officer Performance Review

Mr. Thomas reported that he will be looking into the Executive Officer Performance Evaluation process and will be working with Dr. Erickson to implement the process.

Agenda Item #4 – Executive Officer’s Report

a) Board Operations

Mr. Kahane reported the major Board relocation to DCA Headquarters went well, with very few incidents. The Board is now in a larger, more professional office. The Board staff welcomed the move and has settled in nicely. A small financial windfall, due to an improper bid, saved ten thousand dollars in moving expenses. Thanks to all staff for their contributions, especially Mr. Thomas and Ms. Bayless for all their preparation, coordination and oversight regarding the issues of move logistics. Our current lease rate is approximately .05/per square foot more than our previous office.

Mr. Kahane noted recent staffing changes. The Board filled both the Special investigator positions. Denise Russell filled to one position and Ms. Nicole Walker starts shortly in the other position. As a result, a vacant Staff Services Analyst (SSA) position was posted and applications have been received. The Governor ordered all Boards to eliminate the positions of Retired Annuitants, unless an approved extension upon appeal with the Secretary of the State and Consumer Services Agency. The Board was granted a continuation of one of the Retired Annuitant positions through December 31, 2012. The Board has relied on these positions to assist licensing and help with any

backlog. The Board is looking for other personnel classifications, such as Permanent Intermittent or otherwise to contribute in those duties. Ms. Okuma is cleaning up the CE's in preparation for the end of MCEP. The Board will be able to keep that position until March 31, 2013.

b) Budget Update

Mr. Kahane reported that the Board's budget is in good shape. He stated that he will ask the Board's budget analyst at DCA to make a presentation to the Board at the next Board meeting.

c) Sunset Review

Mr. Kahane stated numerous bills were merged and passed all at once (multiple Sunset). The Board's sunset date was extended four years.

d) BreEZe Project

Mr. Kahane stated that the implementation of the BreEZe project has been pushed back by DCA administration. He indicated that staff has been required to devote a lot of time to this implementation, and that upcoming system testing and training will require substantially more staff time.

e) Association of State & Provincial Psychology Boards (ASPPB) Annual Meeting

Mr. Kahane relayed the following information. After meeting with the Director of DCA, Board and Bureau Relations Director, and the Chief of the Administrative Service, the Board is approved to attend the Association of States and Provincial Psychology Boards event in San Francisco next week. The Board has DCA support. It was discussed that as the Board licenses almost 25% of the nation's psychologists, it cannot remove itself as national leaders in the field. Nor can the Board defer to other states for some important issues which only California can understand due to its population and diversity. Mr. Kahane will be speaking on two panels and voting as the California delegate. He will also be facilitating two discussion groups. Dr. Erickson and Dr. Cadow also plan on attending for part of the conference.

f) Other Informational Items

Mr. Kahane welcomed the new Board Members and looks forward to working together in their terms as members of the BOP working for the consumers of California.

Agenda Item #5 – Petitioner Administrative Hearing

9:15 A.M. – BETZ, Brian, Ph.D.- Petition for Termination of Probation

Administrative Law Judge James Ahler presided. Deputy Attorney General Benneth Brown was present and represented the people of the State of California. Brian Betz, Ph.D. was present and represented himself.

The Board adjourned into closed session at the conclusion of the hearing pursuant to Government Code section 11126(c)(3) to discuss and vote on disciplinary decisions, including the above petition, stipulations and proposed decisions.

1:30 P.M. – OPEN SESSION

Continuing Education Committee

The Continuing Education Committee met to discuss and formulate recommendations to the Board. See agenda item #6 for the Board's discussion.

Legislation Committee

The Legislation Committee met to discuss and formulate recommendations to the Board. See agenda item #7 for the Board's discussion.

Reconvene Full Board for Committee Reports and Board Action

Agenda Item #6 – Continuing Education Committee

a) Strategic Plan Progress Report

Dr. Gallardo reported that the first objective to develop cohesive continuing education guidelines has been done and that the next Strategic Plan Update at the next Board meeting will state that it has been completed.

Dr. Gallardo reported that the Board is continuing to educate licensees regarding the changes in the continuing education regulations, which become effective on January 1, 2013. He stated that as of that date, the MCEP Accrediting Agency will no longer be in existence and that psychologists will be required to obtain and record their own continuing education records. He reported that CPA has developed a continuing education banking system to assist psychologists who do not want to be responsible and accountable for their own continuing education records. Ms. Russell indicated that the first random audits performed by Board staff will likely be in February 2013.

b) Continuing Education Statistics

Dr. Gallardo reported that the continuing education statistics provided in the Board packets are not an accurate representation and that this information needs to be revisited. He stated that the correct statistics will be reported at the next Board meeting.

c) Discussion Regarding Continued Competency

Dr. Gallardo reported that the Continuing Education Committee is still committed to moving toward a continued professional development model in California. He stated that this model would provide more flexibility and a wider range of options for psychologists to maintain competency such as case consultation, teaching classes and publications. Dr. Gallardo stated that he will be contacting Dr. Jackie Horn to obtain a final draft of the template from ASPPB. He stated that once that is obtained, the Continuing Education Committee will start to work on how the model will look like for this state.

d) Discussion Regarding Requiring Continuing Education in Multicultural Issues

Dr. Gallardo reported that as the Board moves toward a continued professional development model, he wants to be mindful to include some requirements in that process that require licensees to obtain education and training in multicultural issues in a broad sense as well and to keep in mind the need to ensure providers and psychologists are responsive to demographics.

e) Discussion and Consideration of Amendments to Continuing Education Regulations to Establish Criteria for Accepting Entities to Approve CE Providers and Courses

Dr. Gallardo reported that the consideration of amendments in this regard continues to be a difficult challenge. He stated that there have been many discussions with regard to other entities being recognized to provide continuing education courses outside APA, CME and CPA which are the three accrediting bodies recognized under the new continuing education regulations. He stated that this issue will continue to come up in the future and that it is his hope that as the Board looks at the continued professional development model, flexibility regarding what counts towards continued development and which entities will want to be an accrediting body will be considered. He stated that at this time, the Continuing Education Committee is recommending that this issue be left alone and that the focus of the committee be on the continued professional development model.

f) Public Comment for Items Not on the Agenda

None.

It was M(Gallardo)/S(Erickson)/C to accept the Continuing Education Committee's report and the recommendations contained therein.

Vote: 8 – 0

Agenda Item #7 – Legislation Committee

a) Strategic Plan Progress Report

Ms. Jones reported that the Strategic Plan goals and objectives are ongoing.

b) AB 40 (Yamada) – Elder and Dependent Adult Abuse Reporting

Ms. Jones reported that this bill is related to elder abuse reporting and amends the Welfare & Institutions Code to now require that mandated reporters report abuse that occurs in a long-term care facility to both the local ombudsperson and law enforcement. Ms. Jones stated that existing law allows this abuse to be reported to either the local ombudsperson or law enforcement.

c) SB 1134 (Yee) – Persons of Unsound Mind: Psychotherapist Duty to Protect

Ms. Jones reported that this bill amends the Civil Code to change a psychotherapist's "duty to warn and protect" of threatened violent behavior of a patient, to a "duty to protect" as specified.

d) AB 1674 (Ma) – Child Custody: Visitation

Ms. Jones reported that this bill amends the family code requirements regarding those that supervise visitation. This bill specifies the requirements to be a "Nonprofessional" and "professional" provider of supervised visitation services. Ms. Jones stated that this code section will not be added to the Board of Psychology Laws and Regulations booklet since very few psychologists provide this type of service.

e) SB 1407 (Leno) – Medical Information: Disclosure

Ms. Jones reported that this bill prohibits a psychotherapist from disclosing mental health records solely on an authorization signed by a parent or guardian, when the child has been removed from the physical custody of that parent or guardian in dependency proceedings for abuse or neglect, unless authorized by court order.

f) AB 2570 (Hill) – Licensees: Settlement Agreements

Ms. Jones reported that this bill is related to the Consumer Protection Enforcement Initiative (CPEI). Ms. Kassis reported that this bill prohibits gag clauses in civil settlement agreements. Ms. Kassis stated that the Board promulgated regulations last year to contain this provision by adopting California Code of Regulations Section 1397.2, and that this regulation was approved and became effective August 22, 2012, therefore this bill provides additional statutory authority.

g) AB 1733 (Logue) – Tele-Health

Ms. Jones reported that both AB 1733 and SB 1575 pertain to telehealth and provide a minor expansion of requirements enacted in AB 415(Logue), Chapter 547, Statutes of 2011. Ms. Jones stated that this bill amends several code sections to replace the term “telemedicine” with “telehealth”, and to include all Medi-Cal Managed Care plans that contract with the Department of Health Care Services (DHCS), including additional plans (PACE, SCAN Health Plan, and AIDS Healthcare Foundation) for telehealth services that are appropriately provided. Ms. Jones stated that this bill also includes a provision in Business & Professions Code Section 2028.5 that gives the Medical Board the ability to establish a pilot program to expand the practice of telehealth in this state and to report its recommendations regarding its findings to the Legislature within one year of the commencement date of the pilot program.

h) SB 1575 (Price) – Committee on Business, Professions and Economic Development: Professions and Vocations

Ms. Jones reported that this bill makes a few technical changes related to telehealth services. Ms. Kassis reported that this bill was an omnibus bill to clean up Business and Professions Code Section 2904.5 based on changes made last year pursuant to AB 415 to amend Business and Professions Code Section 2290.5 which are provisions related to telehealth that are contained in the Medical Practice Act and used by the healing arts boards for telehealth provisions. Dr. Erickson stated that AB 415 made big steps forward, however there are still basic questions that are hard to get answers to. For example some of the questions are: if somebody’s in private practice and wants to do telehealth with their patient will they get paid; are they legally required to be paid by insurance; what are the billing codes; who is exempt ;and who is not?

Ms. Jones stated that there the committee is interested in participating in a pilot program, once established, to see how telehealth impacts psychological services and the billing aspect as well.

i) AB 2296 (Block) – California Private Postsecondary Education Act of 2009

Ms. Jones reported that this bill requires additional disclosures be made if an institution is offering unaccredited associate, baccalaureate, or master’s degrees to provide information about whether the institution is accredited, whether the degree is recognized for licensure in California, and the various limitations to receiving an unaccredited degree.

j) SB 1172 (Lieu) – Sexual Orientation Change Efforts

Ms. Jones deferred to Dr. Gallardo to report on this bill. Dr. Gallardo reported that this bill prohibits a mental health provider from engaging in sexual orientation change efforts (SOCE) with a patient under 18 years of age, regardless of the willingness to participate. Dr. Gallardo stated that although the Board did not take a position on this bill, he wants to be sure the Board is mindful about being proactive on how to enforce this, and what type of information to provide.

Dr. Gallardo stated that this bill sends a very important message to not only psychologists who may be practicing with these particular therapies but also to consumers. Dr. Gallardo stated that there are documents in the board packets that include resolutions from the American Psychological Association (APA) to support why the passing of this bill is really important to the Board. Dr. Gallardo stated that he is aware that the California Psychological Association (CPA) is taking some

measures and wants the Board to collaborate and work on enforcing and finding ways to ensure that we can regulate this as we move forward. Ms. Kassis asked if there were any questions. Ms. Jones asked what it would entail for the Board to be proactive, and if there is any activity or suggestions on what the Board should do, and whether there are any limitations. Dr. Gallardo asked Dr. Linder-Crow to talk a little bit about what CPA is doing.

Dr. Jo Linder-Crow, Chief Executive Officer, (CPA) stated that this is a very complex piece of legislation. Dr. Linder-Crow explained that CPA worked long and hard on this bill along with the California Psychiatric Association and the California Association of Marriage and Family Therapists, to heavily negotiate language in this bill with the author Senator Lieu and his staff, and with Equality California, the sponsor of the bill. Dr. Linder-Crow stated that CPA initially opposed the bill unless amended because of several things in the bill they believed would be harmful to practitioners. Dr. Linder-Crow reported that CPA was able to work with the author, particularly around the definitions for sexual orientation change efforts, and were able to move to a neutral position the day the bill was heard in the Business and Professions Committee. CPA continued to discuss the bill at length with their leadership and in the end took a support position on the bill primarily because they believe it is discriminatory practice and not legitimate care.

Dr. Linder-Crow stated that CPA continues to look at this bill because if passed, they want to be sure that psychologists doing legitimate work in this area do not face additional risk of being sued under the definition of SOCE. Dr. Linder-Crow reported that they were successful in getting Senator Lieu to introduce on the floor of the Senate what is referred to as a letter to the journal, which is a letter that takes another step in explaining legislative intent, specifically the last paragraph of the letter which speaks to licensing boards explaining that if a board receives a complaint, they should not restrict legitimate work in the exploration of sexual orientation identity.

Dr. Charles Faltz, Director of Professional Affairs, CPA, explained that the author's letter to the journal was specifically intended to help licensing boards in dealing with complaints or enforcement actions. Dr. Faltz stated that the letter was written because there was no intent to limit access to treatment from those who wanted treatment. Dr. Faltz stated that if complaint is filed five years from now, how to remember that there was a letter to the journal and is relevant to licensing boards who receive complaints. Dr. Linder-Crow offered to send a copy of the letter to journal to the board.

Dr. Gallardo wants to make sure this issue is on the radar screen. Norine Marks, Supervising Staff Counsel stated that the only relevant regulations the Board would need to entertain is to amend disciplinary guidelines to add violations of this section as unprofessional conduct, and determine what optional terms and conditions are appropriate. Ms. Marks stated that the Board can include a copy of the letter to the journal in the rulemaking file to help with future applications of this statute.

k) SB 1236 (Price) – Professions and Vocations

Ms. Jones reported that this bill extends the sunset date for the Board of Psychology and the term of its executive officer until January 1, 2017.

l) SB 1099 (Wright) – Regulations

Ms. Jones deferred to Ms. Kassis to report on this bill. Ms. Kassis stated that this bill changes the rulemaking process. Ms. Kassis reported that currently when the Board submits a rulemaking file for review by the Office of Administrative Law (OAL), they have 30 days to review the file, and if approved, the regulations become effective 30 days after filing with the Secretary of State. This bill changes the date regulations become effective. Ms. Kassis referred to the bill summary included in the board packets that specifies effective dates on a quarterly basis determined by the date of filing. Ms. Kassis stated that this could increase the time frame for when a regulation becomes effective depending on the date the file is submitted for review. Ms. Kassis reported that this bill

also requires the Board to maintain rulemaking documents on its web site for at least six months from the date the regulation is filed with the Secretary of State.

m) AB 439 (Skinner) – Health Care Information

Ms. Jones reported that this bill makes an amendment to the Confidentiality of Medical Information Act (CMIA) regarding liability of releasing confidential medical information or records. Ms. Jones reported that this bill provides that if an affirmative defense is established as specified, the defendant shall not be liable for more than one judgment on the merits for releases of confidential information or records arising out of the same event, transaction, or occurrence.

n) Legislation Pertaining to Mental Health Benefits/Coverage

AB 1453 (Monning) – Essential Health Benefits

Ms. Jones reported that this bill establishes the Kaiser Small Group SMO 30 plan as the essential health benefit (EHB) benchmark plan for individual and small group health plan products licensed by the Department of Managed Health Care (DMHC).

SB 951 (Hernandez) – Health Care Coverage: Essential Health Benefits

Ms. Jones reported that this bill also pertains to the Affordable Care Act and requires benchmark and benchmark equivalent plans, sold through the American Health Benefit Exchange and the Basic Health Program (if enacted), and health plans and health insurers providing coverage to individuals and small employers, to ensure coverage of essential health benefits (EHB) as defined by the Secretary of the Department of Health and Human Services (HHS).

SB 961 (Hernandez) – Individual Health Care Coverage

Ms. Jones reported that this piece of legislation was also related to the Affordable Care Act (ACA) and was vetoed by governor. Ms. Jones stated that the veto letter included in the board packets states that this measure failed to adequately link our state reforms to the federal law. Ms. Jones stated that we will probably see the essential provisions of this bill next year.

o) Legislation Pertaining to Military Personnel

AB 1588 (Atkins) – Professions and Vocation: Reservist Licensees: Fees and Continuing Education

Ms. Jones reported that this bill requires the Board to waive license renewal fees, continuing education requirements and other renewal requirements for licensees or registrants called to active duty. Ms. Kassis stated that as referenced in paragraph three of the bill summary, the Board has existing laws which include provisions to waive renewal fees and continuing education for any registrant called to active duty. Ms. Kassis stated that this bill contains a provision that states this section shall not apply to any board that has a similar license renewal waiver process statutorily authorized for that Board. Ms. Kassis stated that she will work with Norine Marks, Supervising Staff Counsel to determine if our existing law is adequate.

AB 1904 (Block, Butler, and Cook) – Professions and Vocations: Military Spouses: Temporary Licenses

Ms. Jones reported that this bill requires the Board to expedite licensure for military spouses and domestic partners of a military member who is on active duty in California.

p) Legislative Status Report on Bills of Interest to the Board & 2012 Legislative

Calendar

Ms. Jones stated that the Board reviewed bills of interest contained in the status report.

q) Any Other Bills of Interest

None

r) Public Comment

None

It was M(Jones)/S(Erickson)/C to accept the Legislation Committee's report.

Vote: 8 – 0

Adjourned into closed session for discipline at 4:33 p.m.

Friday, October 19, 2012

The open session meeting was called to order by Michael Erickson, Board President at 9:05 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Michael Erickson, Ph.D., Board President
Barbara Cadow, Ph.D., Board Vice-President
Lucille Acquaye-Baddoo
Johanna Arias-Bhatia
Miguel Gallardo, Psy.D.
Andrew Harlem, Ph.D.
Nicole J. Jones
John Preston, Psy.D.

Others Present:

Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Gina Bayless, Enforcement Coordinator
Linda Kassis, Administrative Services Coordinator
Lavinia Snyder, Licensing/Registration Coordinator
Denise Russell, Special Investigator

Examination Committee

The Examination Committee met to discuss and formulate recommendations to the Board. See agenda item #8 for the Board's discussion.

Contemporary & Emerging Issues Committee

The Contemporary and Emerging Issues Committee met to discuss and formulate recommendations to the Board. See agenda item #9 for the Board's discussion.

Agenda Item #8 - Examination Committee

a) Strategic Plan Progress Report

Dr. Cadow reported that the Strategic Plan goals and objectives are ongoing. She stated that the Board approved draft regulatory language at the last Board meeting to eliminate the CPSE and implement an enhanced CPLEE. She stated that the Examination Committee continues to monitor the pass rates on the examinations and to improve application processing times. She stated that once BreEZe is implemented, these time constraints will be relieved. She stated that in the meantime, there is a license update link on the Board's website for applicants to check the current application processing times, which is updated monthly.

b) Examination Statistics

Dr. Cadow referred to the examination statistics provided in the Board packets. She stated that the pattern is similar to the statistics provided at the last Board meeting in that first-time test takers always have a higher pass rate and that the CPLEE pass rates are always lower. She stated that she anticipates this changing once the CPSE is eliminated.

c) Consider Proposed Amendments to Examinations Regulations, Title 16, CCR Sections 1388, 1388.6, 1389 & 1392

Dr. Cadow referred to the draft regulatory language that was included in the Board packets. Ms. Snyder commented that this language was approved for hearing, however, an issue has been raised whether clarification needs to be made to the phrase "has been licensed for at least five years" in section 1388.6. She asked if this phrase needs to be clearly defined to indicate that the licensee has held an active, valid license during this period of time. Ms. Marks stated that in the proposed language, sections 1388, 1388.6, 1389 and 1392 basically were changed to reflect that the CPSE will no longer be given, and instead the EPPP and the CPLEE will be given. She also stated that the proposed changes to section 1388.6 clarify that an expired license will cancel after non-renewal for three years. She clarified that during this three year period, the licensee cannot practice, but can renew.

It was M(Erickson)/S(Harlem)/C to approve the proposed regulatory amendments language for noticing for a regulation hearing and to delegate the authority to the Executive Officer to make any required non-substantive changes.

Vote: 8 – 0

Dr. Gallardo questioned the \$10 fee required for renewal under the new continuing education regulations. Ms. Kassis explained that this fee will be used to support continuing education audits performed by staff since the MCEP Accrediting Agency will no longer be performing our audits as of January 1, 2013. Dr. Gallardo requested to have a budget representative from DCA come to a future Board meeting to explain the budget process to the Board.

d) Consider English as a Second Language as a Basis for an Accommodation in Taking the Examination

Ms. Marks commented that the granting of examination accommodations based on English as a second language could possibly create an inequality in the process and the Board could be challenged as a result. The Examination Committee requested that this issue be placed on the agenda for the next Board meeting and requested Ms. Snyder to provide statistics (number of accommodations approved annually, examination statistics, etc.) on candidates who were granted an examination accommodation based on English as a second language.

Dr. Cadow commented that the Board has been talking about this issue for quite a while. She indicated that the Board was waiting on DCA to update its accommodations policy, however, there has been no movement in this regard. She stated that the contract with ASPPB for the EPPP is

due March 1, 2013, therefore, the Board needs to make a determination as to whether or not to continue examination accommodations based on English as a second language so that the new contract can be written appropriately.

Dr. Erickson stated that he was unsure how the statistics regarding accommodations based on English as a second language would affect the Board's decision. Dr. Cadow agreed, however she stated that there were committee members who thought it would be helpful in their decision-making process. Dr. Harlem agreed that this data would not be useful to him.

Dr. Gallardo stated that the elimination of this accommodation would be discriminatory. He stated that regardless of the number of candidates who receive an accommodation for English as a second language, the linguistic needs of California consumers need to be met. He stated that the Board should look at the criteria rather than removing this as a possibility for individuals seeking licensure in California.

Dr. Cadow stated that the Board should include English as a second language as an accommodation in the ASPPB contract while the Board looks at the criteria and reviews other models in the future.

e) Public Comment

None.

It was M(Cadow)/S(Erickson)/C accept the Examination Committee Report and recommendations contained therein

Vote: 8 – 0

Agenda Item #9 – Contemporary & Emerging Issues Committee

a) Discussion Regarding Telehealth

Dr. Cadow referred to a hand-carry item regarding telehealth. The item was proposed language from the Board of Occupational Therapy that would establish standards of practice for occupational therapy services via telehealth. Ms. Marks remarked that the proposed language has not been approved by the Board of Occupational Therapy. Dr. Cadow stated that the proposed language hits upon the same points that the Board has been talking about such as having a valid and current license, exercising the same standard of care, obtaining informed consent, and determining whether an in-person evaluation or intervention is necessary. She also stated that it states that the services rendered via telehealth be consistent with the practice of occupational therapy and must be in compliance with the Occupational Therapy Practice Act. She stated that these are the same issues that have been discussed by our Board.

Mr. Kahane stated that he spoke with Dr. Jackie Horn who indicated that ASPPB is still receiving feedback regarding telehealth guidelines and that he will get the guidelines next week when he attends the ASPPB Annual Meeting. He stated that he will make a working draft available to the Board at the next Board meeting.

b) Public Comment for Items not on the Agenda

None.

It was M(Cadow)/S(Jones)/C to accept the Contemporary and Emerging Issues Committee's report.

Enforcement Committee

The Enforcement Committee met to discuss and formulate recommendations to the Board. See agenda item #10 for the Board's discussion.

Credentials Committee

The Credentials Committee met to discuss and formulate recommendations to the Board. See agenda item #11 for the Board's discussion.

Outreach and Consumer Education Committee

The Outreach and Consumer Education Committee met to discuss and formulate recommendations to the Board. See agenda item #12 for the Board's discussion.

Agenda Item #10 – Enforcement Committee

a) Strategic Plan Progress Report

Ms. Acquaye-Baddoo thanked staff for their hard work. She reported that the Strategic Plan goals and objectives are ongoing.

b) Enforcement Statistics

Ms. Acquaye-Baddoo referred to the enforcement statistics provided in the Board packets. She reported that the number of complaints received for 2011/2012 was 747. She indicated that statistics in other categories went up due to a higher level of awareness of the existence of the Board. Ms. Bayless indicated that with the Consumer Protection Enforcement Initiative, a lot of data was made available to the media and the public regarding Board processes.

Ms. Bayless stated that the statistical report focuses on the end of the last fiscal year. She noted that the number of complaints received was down slightly from the previous year, however, they are up overall. She also noted that the number of criminal conviction reports received has increased to 70 compared to 48 received the previous year. She also reported an increase in the number of investigations opened, cases referred to the Office of the Attorney General, accusations, and citations.

Ms. Bayless reported that there has been an increase in overall formal actions taken by the Board as well as an increase in substance abuse and sexual misconduct cases.

Ms. Acquaye-Baddoo referred to the Performance Measures Annual Report provided in the Board packets. Ms. Bayless stated that the Board reports monthly to DCA who creates an annual report regarding how the Board is meeting CPEI goals. She stated that for Fiscal Year 2011-2012, the number of complaints and convictions received was 748. Regarding intake, the target is nine days from the complaint receipt until the date the complaint was assigned to an investigation. Ms. Bayless stated that the Board exceeded the target, decreasing the cycle time to three days for the final quarter. She stated that this demonstrates that the Board is doing very well, and that the internal processes have been revised to streamline the process and move cases along quickly.

Ms. Acquaye-Baddoo indicated that during the final quarter, the Board slightly exceeded its target of 80 days for intake and investigation with an average time of 81 days from the complaint receipt to the closure of the investigation process. She attributed this to furloughs and BreZE pre-testing.

For formal discipline, Ms. Bayless explained that Board staff has limited control over the amount of time it takes to complete the entire enforcement process based on much of the process occurring

at other agencies. She stated that the Board just filled two of its CPEI positions so hopefully it will see an improvement in this area. She stated that as the Board gets its new Special Investigators trained, they can focus on having more contact with the Office of the Attorney General to follow-up on our cases to ensure timely processing.

Ms. Acquaye-Baddoo reported that for probation intake, the Board has been consistent in this area.

c) Public Comment

None.

It was M(Acquaye-Baddoo)/S(Erickson)/C to accept the Enforcement Committee's report and the recommendations contained therein.

Vote: 8 – 0

Agenda Item #11 – Credentials Committee

a) Strategic Plan Progress Report

Dr. Gallardo reported on the following Credentials Committee Strategic Plan objectives:

L-1 Ensure accurate and timely processing of all applications – Dr. Gallardo stated that the committee had quite a bit of discussion regarding application processing times. He stated that the committee wants to make information more accessible on the Board's website and work towards fostering good relationships with psychologists and other people in the community. The committee recommends moving the application processing times link to the applicant tab, providing insight as to why it is taking more time to process applications at this time, and adding a comment section, not for Board to respond to, but to allow applicants to provide feedback. He also stated that the Board should encourage DCA to bring in an outside set of eyes to look at the Board's process and to perform an audit of the licensing process to make recommendations for improvement. Dr. Gallardo requested that Mr. Kahane formally initiate this process by the end of December. Mr. Kahane stated that he will look into the issue and convey the information he obtains via email.

L-2 Review qualifications for licensure – Dr. Gallardo reported that Ms. Snyder will provide additional information regarding the qualifications for licensure and to list the stages of licensure at the next Board meeting.

L-3 Clearly communicate the required qualifications for licensure through publications, web updates and outreach – Dr. Gallardo stated that this objective may best be addressed by the Outreach and Consumer Education Committee.

L-4 Enhance communication for all applicant and consumer inquiries – Dr. Gallardo stated that this objective may best be addressed by the Outreach and Consumer Education Committee.

b) Satisfaction Survey Results

Dr. Gallardo reported that the Board lost two retired annuitants who were helping in the collection of this data. He indicated that once people contact the Board, they have very positive experiences; however, they indicate that it is difficult to make contact.

c) Public Comment

Stephen Phillips, Psy.D. from the Los Angeles County Psychological Association (LACPA) mentioned that he has been receiving concerns from older psychologists who are having difficulty with the new LiveScan fingerprint procedures. Ms. Snyder stated that if a licensee's fingerprints are rejected twice for the same reason based on the quality of the prints, the Board can request an applicant name check in lieu of the actual LiveScan fingerprints.

It was M(Gallardo)/S(Cadow)/C to accept the Credential Committee's report and the recommendations contained therein.

Vote: 8 – 0

Agenda Item #12 – Outreach and Consumer Education Committee

a) Strategic Plan Progress Report

Dr. Gallardo stated that given the travel restrictions, the committee needs to consider other activities that would provide outreach without requiring travel. Ms. Jones suggested that the committee review the Board's website to find areas for improvement. Dr. Gallardo stated that he would like to see something put on the Board's website regarding SB1172 (Lieu) regarding sexual orientation change efforts. Mr. Kahane requested that the committee members provide him with their areas of concern by January 21, 2013, to allow him time to explore the possibility of changes prior to the next Board meeting.

b) Public Comment for items not on the Agenda

None.

It was M(Gallardo)/S(Cadow)/C to accept the Outreach and Consumer Education Committee's reports and recommendations contained therein.

Agenda Item #13 - Regulation Update, Review and Action as Necessary

a) Regulations Status Update

Ms. Kassis reported that the regulation status report is included in the board packets under tab 13.

b) Update Regarding Proposed Amendments to Title 16, C.C.R. Sections 1380.4 & 1397.2 – Delegation of Functions & Unprofessional Conduct

Ms. Kassis reported that this first package, priority one, has been completed. Ms. Kassis stated that the Delegation of Functions and Unprofessional Conduct Regulations were approved by the Office of Administrative Law (OAL) and became effective August 22, 2012.

c) Update Regarding Proposed Amendments to Title 16, CCR, Section 1397.12 – Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

Ms. Kassis reported the rulemaking file for the Uniform Standards Related to Substance Abuse and Disciplinary Guidelines is now priority one. Ms. Kassis reported that the Board approved amended language at the June 2012 Board meeting and requested the proposed changes be noticed for hearing. Ms. Kassis stated that the Board may need to address additional changes pursuant to SB1172 (Lieu) Sexual Orientation Change Efforts (SOCE), Statutes 2012 that now defines SOCE therapy as unprofessional conduct. Ms. Kassis deferred to Ms. Marks to address any needed changes. Ms. Marks stated that part of disciplinary guidelines list out specific code sections that licensees can be charged with as a basis for discipline. Ms. Marks reported that this would be a new basis for discipline and the disciplinary guidelines would then suggest optional

terms that the Board would want to see imposed if a psychologist was disciplined for this type of violation. Ms. Marks stated that the Board can delegate to staff the authority to add this particular violation into the disciplinary guidelines when they are noticed and the board can then see the changes at the time of hearing and determine if any additional changes need to be made.

It was M(Erickson)/S(Harlem)/C to direct staff to add violation of this section to the disciplinary guidelines for the Board to review at the time of public hearing and make any additional changes as necessary.

Vote: 8 – 0

d) Update Regarding Proposed Amendments to Title 16, California Code of Regulations, Division 13.1, Article 1 (General Provisions), Article 2 (Applications), Article 3 (Education and Experience), Article 4 (Examination), Article 5 (Registered Psychologists), Article 5.1 (Psychological Assistants) and Article 6 (Fees)

Ms. Kassis reported that in this morning's Examination Committee meeting the committee discussed proposed amendments to Sections 1388, 1388.6, 1389, & 1392 to update the Examination regulations to reflect that the California Psychology Supplement Examination (CPSE) will no longer be given, and that the Examination for Professional Practice in Psychology (EPPP) and the California Psychology Laws and Ethics Examination (CPLEE) will be given instead. Ms. Kassis reported that the amendments to these sections will now become priority 2.

Ms. Kassis reported that the amendments to Articles 1 – 6 will become priority 3.

e) Update Regarding Proposed Amendments to Title 16, C.C.R., Section 1382.6 – Aging and Long-Term Care Training Requirements

Ms. Kassis reported that the amendments to CCR Section 1382.6 will be combined with the changes to Articles 1 – 6, rather than a separate package.

Agenda Item #14 – Public Comment on Items Not on the Agenda

None.

Agenda Item #15 – Recommendations for Agenda Items for Future Board Meetings

Ms. Marks commented that the Board's Strategic Plan was a two-year plan expiring in 2013. She indicated that the last time the Board conducted strategic planning, an additional day was added to the Board meeting. She stated that the Board may want to have a brief discussion as the meeting calendar may need to be adjusted to conduct strategic planning. Ms. Jones stated that if strategic planning is done at the next Board meeting, she would request that it be done after the Board meeting since as a new Board member, it would be helpful to experience an additional Board meeting prior to strategic planning. Dr. Gallardo asked that the Board review the current Strategic Plan first to determine if any changes need to be made. He stated that the Board can decide at the February meeting if it needs a strategic planning session. Mr. Kahane stated that he would look into the expiration of the current plan and will be in touch.

The open session meeting adjourned at 1:04 p.m.

Signed Copy on File in Board Office

President

Date